

# Notice of Allowability

Application No.

10/030,832

Examiner

Yubin Hung

Applicant(s)

MEYER ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 05/24/06.
2. ☒ The allowed claim(s) is/are 9-12, 14, 15 & 20 (re-numbered as claims 1-7).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/01/2002 1-10-02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JINGGE WU  
PRIMARY EXAMINER

***Response to Amendment/Arguments***

1. This action is in response to amendment filed 05/24/06, which has been entered.
2. Claims 1-8, 13 and 16-19 have been cancelled. Claims 9-12, 14, 15 and 20 have been allowed.
3. Applicant's cancellation of claims 13 and 16-19 have rendered moot the 35 USC § 112 rejection.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael J. Striker and Ilya Zborovsk on May 31, 2006.

**5. The application has been amended as follows:**

5.1 Claim 1

Line 7: Replace "the correlation" with "a correlation"

Line 8: Replace "the corresponding" with "a corresponding"

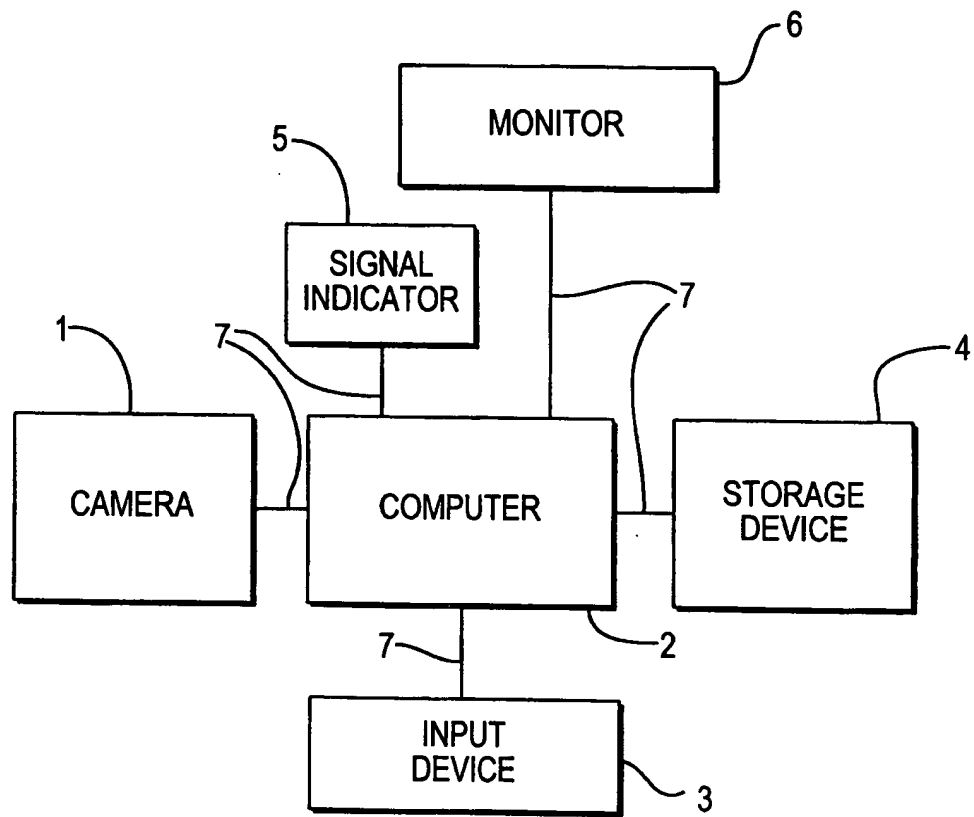
Line 10: Replace "characterized" with "and further characterized"

Line 17: Replace "partial image" with "corresponding partial image"

5.2 Replace Figures 1-4 with the following replacement figures:

# REPLACEMENT SHEET

1/4



*FIG. 1*

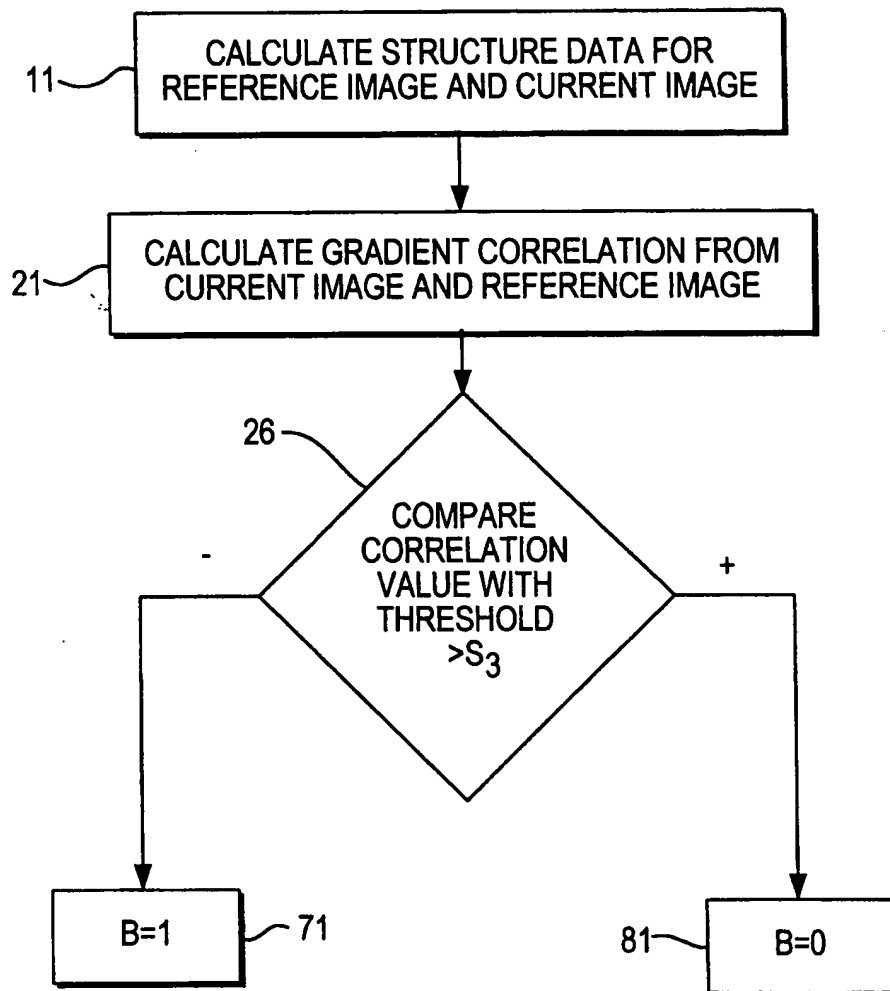


FIG. 2

# REPLACEMENT SHEET

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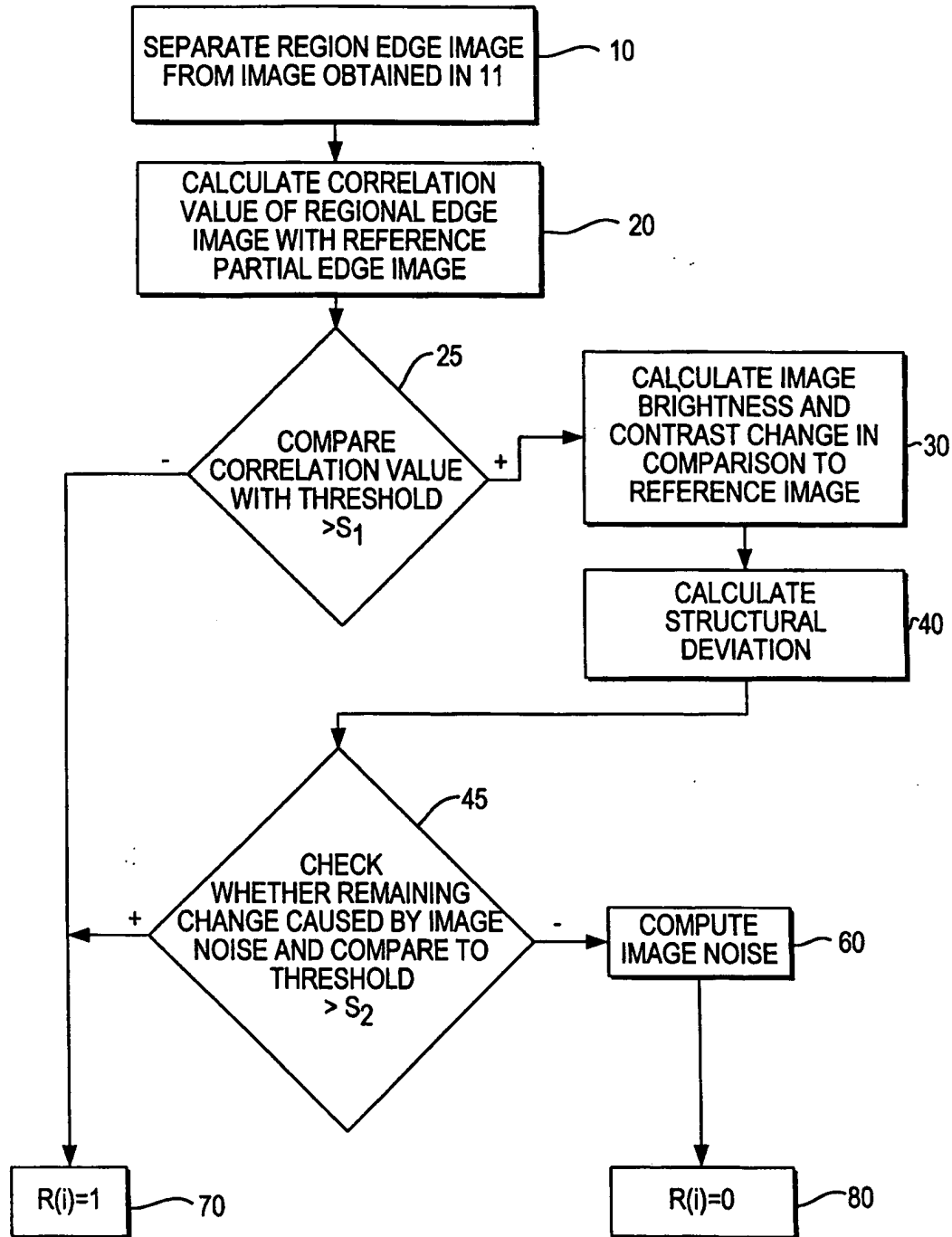


FIG. 3

# REPLACEMENT SHEET

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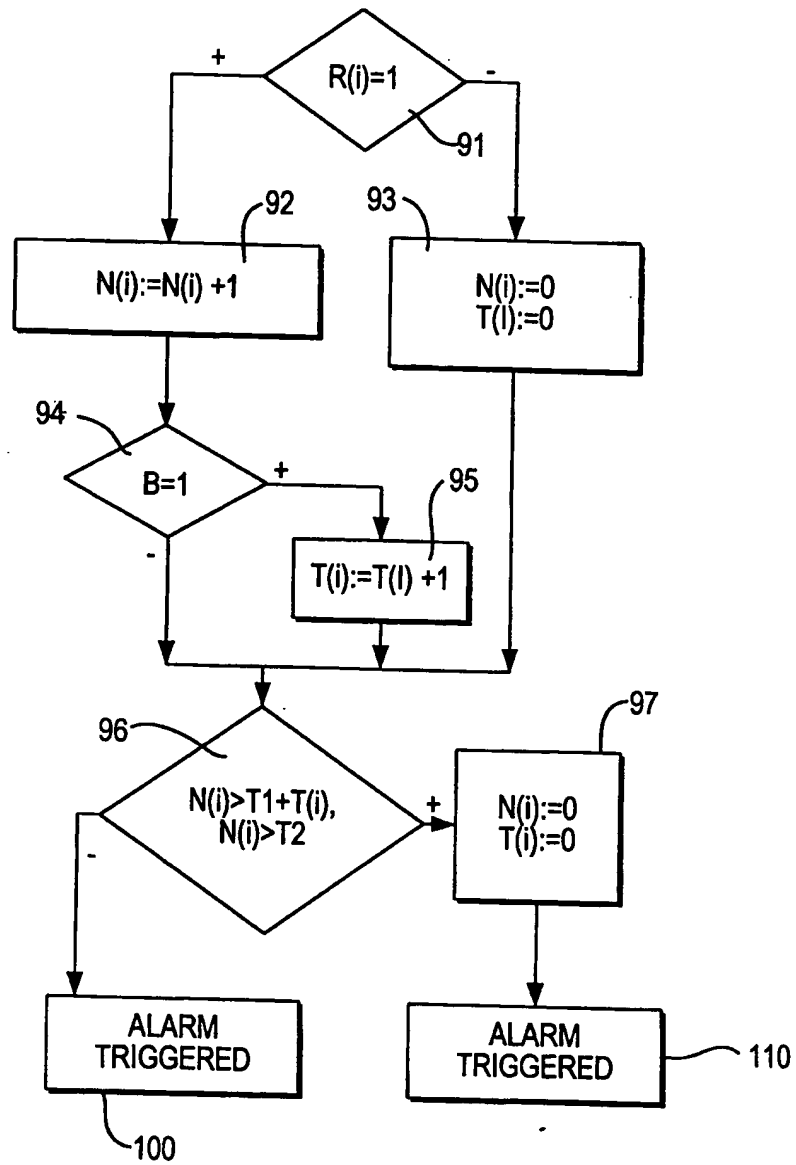


FIG. 4

***Allowable Subject Matter***

6. Claims 9-12, 14, 15 and 20 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 14, and similarly claims 11 and 20, the combined invention of Hall and Wirtz discloses all limitations of its parent, claim 13. In addition, closest art of record Gonzalez et al. (*Digital Image Processing*, 1<sup>st</sup> ed., 1993, pp. 583-585) discusses the effect of intensity on the value of correlation between two images and discloses an approach to overcome the problem [p. 584]; Muraka (US 6,463,432), on the other hand, discloses using the sum of squared difference (a kind of quadratic deviation measurement) as a similarity measurement [Fig. 25, refs, S3503, S3504; Col. 19, line 57-Col. 20, line 2]. However, none of these references teaches or suggests removing effect of the brightness difference from the correlation calculation *after* an initial correlation

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yubin Hung  
Patent Examiner  
June 06, 2006

JINGGE WU  
PRIMARY EXAMINER

